

REMARKS

The Applicants submitted a reply on October 23, 2008 including various claim amendments. An amendment to Claim 5 included a dependency from a new Claim 17. In the January 7 Communication, the Office asserted that the amendment to Claim 5 violates 37 C.F.R. 1.75(c) because the rule requires that "a dependent claim refers back to and further limits a preceding claim." (See Communication.) The Applicants' representative verbally communicated to the Examiner in a telephone call on January 8 that Claim 5, as amended, meets the requirement of the rule by "referring back to and further limiting another claim...." (See Rule 1.75(c), emphasis added.) The Examiner verbally communicated to the Applicants' representative on January 9 that after consulting within the Office, the Examiner agrees with the representative's interpretation, and that no further amendment is necessary at this time. The Examiner also observed that should Claim 5 be allowed, an amendment will be necessary at that time to renumber the claims so that the claim embodied by current Claim 5 numerically follows the claims from which it depends.

The Applicants thank the Examiner for his kind assistance in expeditiously resolving this issue.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, P.C.

A handwritten signature in black ink, appearing to read 'DHH', is written over the printed name 'David H. Hitt'.

David H. Hitt
Registration No. 33,182

Dated: January 9, 2009

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800